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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,252	12/08/2004	Martin James Tyler	C2000-7001US	2943

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CAMBRIDGE, MA 02142

EXAMINER

PIRI, ALDRIN J F

ART UNIT	PAPER NUMBER
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2179

NOTIFICATION DATE	DELIVERY MODE
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05/15/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ll-a.com
gengelso@ll-a.com

Office Action Summary	Application No. 10/517,252	Applicant(s) TYLER, MARTIN JAMES	
	Examiner Aldrin Piri	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08 December 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the first action in the instant application in response to the correspondence filed on 8 December 2004.
2. Claims 1-9 are pending in the application. Claims 1, 6, and 8 are independent claims.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. **Claim 5** is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 6-7** rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. See MPEP 2106.01

Claims 6 and 7 are drawn toward software per se in their broadest reasonable interpretation, and fail to either be tangibly embodied on a computer readable storage medium or operative to create a tangible change within a computer. One option of putting the entirely software apparatus on a computer readable media is to embody the program onto a computer readable media and explicitly describe that the computer program product exists as computer readable instructions on a computer readable media.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Trifon et al. (US 2002/0095336), hereinafter referenced as Trifon.

With regards to **claim 1**, Trifon teaches:

- providing a control module for processing data retrieved from the remote servers (Paragraphs [0072]-[0079] & [0091]-[0092]);

- providing one or more communications modules each configured to communicate with one of the remote servers (Paragraphs [0087]-[0088], [0093]-[0095], & [0110]-[0117]); and
- providing an interface module being operative to permit communication between the control module and the communications modules (Paragraphs [0083] & [0111]-[0112]).

Korala fails to explicitly disclose:

- preventing the one or more communications modules from direct communication with the control module

However, as disclosed above, the applets can come from two discrete servers and utilize Java technologies inclusive of applets and Javascript. In accordance with the inherent and default security properties put in place with the Java applet sandbox as provided by Jaworski et al., relied upon for mere clarification of terms and technology within Trifon and not as an additional grounds of rejection:

“Applets that are loaded over the network are, by default, untrusted and prevented from accessing your local file system and other programs. In addition, applets are only allowed to make network connections to the host from which they are loaded.”

As a result, when viewing the applets as coming from two servers, as applied above, it is inherent that the Java applets would be incapable of communicating with each other as was commonly understood by one of ordinary skill in the art at the time of invention.

5. **Claim 8** has substantially the same subject matter as claim 1 and is rejected under the same rationale.

6. With regards to **claim 2**, Trifon further teaches wherein the control module is downloaded from a first server (Paragraphs [0072]-[0079] & [0091]-[0092]) and the one or more communications modules are downloaded from a different one or more servers (Paragraphs [0087]-[0088], [0093]-[0095], & [0110]-[0117]).

7. **Claim 6** has substantially the same subject matter as claims 1 & 2 and is rejected under the same rationale.

8. With regards to **claim 3**, Trifon further teaches wherein the control module and communications modules are JAVA applets (Paragraphs [0072]-[0073] & [0087]-[0088]) and the interface module is a JAVASCRIPT layer (Paragraph [0106] & Figure 1 and Paragraph [0112]).

9. **Claim 7** has substantially the same subject matter as claim 3 and is rejected under the same rationale.

10. **Claim 9** has substantially the same subject matter as claim 3 and is rejected under the same rationale.

11. With regards to **claim 4**, Trifon further teaches further comprising displaying the data in the browser (Figure 1 & Paragraph [0106]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hickey et al. (US 6,430,568 B1) – Inter-applet communication method;

- Rogers et al. (US 5,974,441) – Interactive use of applets between server and client;
- Korala et al. (US 2004/0205491 A1) – Provides control and communication modules for retrieving information from a plurality of servers for presentation to a user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aldrin Piri whose telephone number is 571/270-5078. The examiner can normally be reached on M-Th, 7:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571/272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aldrin Piri/

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Examiner, Art Unit 2179

/Ba Huynh/
Primary Examiner, Art Unit 2179